

House Bill 1166

By: Representatives Morgan of the 39th, Bruce of the 64th, Jordan of the 77th, Williams of the 89th, Gardner of the 57th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to program weights and funding requirements relative to elementary and secondary education, so as to change certain provisions regarding program weights; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 5 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to program weights and funding requirements relative to elementary and secondary education, is amended by striking subsections (i) and (k) of Code Section 20-2-182, relating to program weights, and inserting in lieu thereof the following:

"(i) The State Board of Education shall adopt for each instructional program authorized pursuant to Part 3 of this article and the middle school program provided for in Code Section 20-2-290 the maximum number of students which may be taught by a teacher in an instructional period. The State Board of Education shall provide for a system average maximum class size that shall not exceed the funding class size by more than 20 percent for mathematics, science, social studies, or language arts classes, unless specifically authorized by the State Board of Education. The system average maximum class size for kindergarten and grades one through three shall not exceed 20 percent over the funding ratio except for art, music, or physical education classes; provided, further, that the system average maximum class size for special education, gifted, and English for speakers of other languages classes shall be set by the State Board of Education. For each instructional program, the maximum number of students who may be taught by a teacher in an instructional period shall not exceed the system average maximum class size for the program by more than two students; provided, however, that a system average maximum class size which results in a fractional full-time equivalent shall be rounded up to the

1 nearest whole number. For time periods as set out in subsection (k) of this Code section a
 2 ~~period not to exceed seven years~~, beginning with the 2000-2001 school year, local school
 3 systems shall be allowed to exceed the maximum class sizes set forth in this subsection in
 4 a manner consistent with State Board of Education rules and subsection (k) of this Code
 5 section. The State Board of Education shall lower the current maximum class sizes set by
 6 state board rules in effect for the 1999-2000 school year, beginning with the 2000-2001
 7 school year, by an amount so that, beginning with the 2007-2008 school year for
 8 kindergarten, grades one through three, and grades seven through 12, and beginning with
 9 the 2006-2007 school year for grades four through six, State Board of Education rules are
 10 in compliance with this subsection. An aide may be used in programs to increase class size
 11 as allowed by State Board of Education rule and subsection (k) of this Code section, except
 12 that beginning with the 2007-2008 school year, an aide shall not be used to increase the
 13 maximum class size in kindergarten or grades one through three. The maximum class size
 14 for the kindergarten and primary grades programs is defined as the number of students in
 15 a physical classroom. Maximum class sizes that result in a fractional full-time equivalent
 16 shall be rounded up to the nearest whole number as needed. The middle school program
 17 shall use the teacher-student ratio of the middle grades program for the purpose of this
 18 subsection. The number of students taught by a teacher at any time after the first 15 school
 19 days of a school year may not exceed the maximum such number unless authorization for
 20 a specific larger number is requested of the state board, along with the educational
 21 justification for granting the requested exemption, and the state board has approved said
 22 request. The state board shall not reduce class sizes without the authorization of the
 23 General Assembly if this reduction necessitates added costs for facilities, personnel, and
 24 other program needs. Local boards of education may reduce class sizes, build additional
 25 facilities, and provide other resources at local cost if such actions are in the best interest of
 26 the local school systems' programs as determined by the local boards of education."

27 "(k) For the 2003-2004, 2004-2005, 2005-2006, and 2006-2007 school years, the
 28 maximum class sizes set by the State Board of Education for the 2002-2003 school year
 29 shall apply for grades ~~four~~ six through 12. For the 2003-2004, 2004-2005, and 2005-2006
 30 school years, the maximum class sizes set by the State Board of Education for the
 31 2002-2003 school year shall apply for grades four through six. For the 2003-2004,
 32 2004-2005, 2005-2006, and 2006-2007 school years, the maximum class sizes set by the
 33 State Board of Education for the 2003-2004 school year shall apply to kindergarten and
 34 grades one through three, except that a kindergarten class may be increased to 20 students
 35 if a paraprofessional is present in addition to the certificated teacher. Except as otherwise
 36 provided in this subsection, other provisions of this Code section shall apply. This

1 subsection shall not be construed to repeal any other provision of this Code section or this
2 chapter, or to apply to any period of time other than the four fiscal years beginning July 1,
3 2003, and ending June 30, 2007. This subsection shall be automatically repealed July 1,
4 2007."

5 **SECTION 2.**

6 All laws and parts of laws in conflict with this Act are repealed.